

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|-------------------|---|----------------------------|
| Armando Chestnut, |) | C/A No.: 1:23-2064-JFA-SVH |
| |) | |
| Petitioner, |) | |
| vs. |) | |
| |) | ORDER |
| Warden Cohens, |) | |
| |) | |
| Respondent. |) | |
| |) | |


Petitioner, proceeding pro se, brought this action requesting a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on September 13, 2023. [ECF No. 19]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by October 2, 2023. [ECF No. 21]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending this case. *Id.*

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's motion by October 20, 2023. Petitioner is further advised that

if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

October 6, 2023
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge